

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

KEVIN JAMES KOHUTE

v.

POLOS GROCERY

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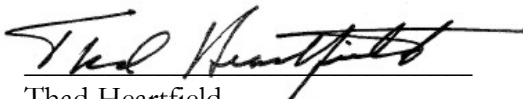
CIVIL ACTION NO. 6:18cv271

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of the complaint has been presented for consideration. The Report and Recommendation (Doc. No. 17), filed on August 9, 2018, recommends that the complaint be dismissed with prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B). The Court received an acknowledgment of receipt showing that Plaintiff received the Report and Recommendation on August 13, 2018. No written objections have been filed. The Court therefore **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court. It is therefore

ORDERED that the complaint is **DISMISSED** with prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B). Any motion not previously ruled on is **DENIED**.

SIGNED this the **30** day of **August, 2018**.


Thad Heartfield
United States District Judge